

REMARKS

Claims 1-10, 12-23, 42, 43, 59, 62, and 66-69 were pending in the application. Claims 20, 21, 43, 62, 67, and 68 have been amended and claims 15-19, 22, 23, and 69 have been canceled, without prejudice. Accordingly, after the amendments presented here have been entered, claims 1-10, 12-14, 20, 21, 42, 43, 59, 62, and 66-68 will remain pending. Applicants gratefully acknowledge the Examiner's indication that claims 1-10, 12-14, 42, 59, and 66 are allowed.

Support for the amendments to the claims may be found through the specification including the originally filed claims. No new matter has been added.

The specification has been amended to insert SEQ ID NOs, where appropriate, including the locations indicated by the Examiner at paragraph 2 of the Office Action. Additionally, the specification has been amended to include a paper copy of the sequence listing. A computer-readable form of the sequence listing is also being submitted herewith. The content of the substitute paper and computer readable copies of the sequence listing are the same and include no new matter, as required by 37 C.F.R. § 1.825(a) and (b).

Any amendments to and/or cancellation of the claims should in no way be constructed as acquiescence to any of the Examiner's rejections and were done solely to expedite the prosecution of the application. Applicants reserve the right to pursue the claims as originally filed in this or separate applications.

Request for Reconsideration of the Finality of the Action

Applicants respectfully request reconsideration of the finality of the present Office Action. The final rejection was improperly issued because it raised new grounds of rejection, *i.e.*, the rejection of claims 15-19, 22, 23 and 69 under 35 U.S.C. §102(e) over Koster (6,197,498). This rejection was not necessitated by Applicants' amendments to the claims or information submitted in an information disclosure statement filed during the period set forth in

37 C.F.R. §1.97(c). (See M.P.E.P. §706.07(a)). The claims that are now being rejected were pending in the same form when the Examiner issued the first Office Action. Applicants have been deprived of an opportunity to respond to the new grounds of rejection or to develop clear issues before the advisability of an appeal. Accordingly, Applicants respectfully request that the finality of the present Office Action be reconsidered and withdrawn.

Rejection of Claims 15-19, 22, 23, and 69 Under 35 U.S.C. §102(e)

The Examiner has rejected claims 15-19, 22, 23, and 69 under 35 U.S.C. §102(e) as being anticipated by Koster (6,197,498).

While in no way acquiescing to the validity of the Examiner's rejection and solely in the interest of expediting prosecution, Applicants have cancelled claims 15-19, 22, 23, and 69, without prejudice, thereby rendering the foregoing rejection moot. Therefore, Applicants respectfully request that this section §102(e) rejection be reconsidered and withdrawn.

Objection to Claims 20, 21, 43, 62, 67, and 68

The Examiner has objected to claims 20, 21, 43, 62, 67, and 68 as begin dependent upon a rejected base claim.

Applicants gratefully acknowledge the Examiner's indication that the claims "would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims." Applicants respectfully submit that claims 20, 21, 43, 62, and 67 have been amended to include all the limitations of the base and intervening claims, as suggested by the Examiner. Thus, Applicants respectfully request that this objection be reconsidered and withdrawn.


SUMMARY

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicants have filed an appropriate extension of time concurrently herewith. However, if additional fees are due, please charge our Deposit Account No. 12-0080, under Order No. CRW-001US from which the undersigned is authorized to draw.

Dated: November 11, 2003

Respectfully submitted,

By 
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